

## REMARKS

### I. Office Action Summary

In the Office Action dated August 24, 2007, the Examiner maintained the §102(e) and §103(a) rejections of all the claims and stated his belief that the §1.131 Declaration swearing behind the primary Cohen et al. reference (U.S. Patent Application Publication No. 2002/0116310) was insufficient due to a perceived need for more evidence regarding diligence for the period of September 13, 2000 to October 30, 2000.

Prior to this Amendment, claims 1-178 were pending. Upon entry of this Amendment, claims 1-38, 50-83, 92-127, 139-168 and 177-178 have been canceled and 39-49, 84-91, 128-138 and 169-176 remain pending.

### II. Supplemental Declaration Under 37 C.F.R. §1.131

Applicants submit herewith a SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF DECLARATION UNDER 37 C.F.R. §1.131 attaching numerous pieces of correspondence sent by, or received by, one or more inventors during the period of September 13, 2000 to October 30, 2000 to further support the original 1.131 Declaration provided in this case. Accordingly, as the attached provides voluminous proof of diligence during the period in question, Applicants submit that the aggregate collection evidence supporting the 1.131 Declaration is now sufficient to remove Cohen as prior art in this case. The undersigned notes that information in the top margin of the attached email correspondence has been redacted. The redacted information is not part of the original email correspondence, is unrelated to the subject matter of the email and is simply an artifact of the process of printing the archived email correspondence.

### III. Rejections Under 35 U.S.C. §102(e)

Claims 39-41, 45, 50-51, 84, 87, 92-93, 128-129, 132-133, 136, 139-140, 147, 169, and 177-178 were rejected as anticipated by Cohen et al. under 35 U.S.C. §102(e).

In view of the attached Supplemental Affidavit and the prior filed Declaration under 1.131, Applicants submit that Cohen is not prior art to the pending claims for the reasons previously provided. Reconsideration and allowance of the pending claims is respectfully requested.

#### **IV. Claims Rejections Under 35 U.S.C. §103(a)**

In the Office Action, the Examiner rejected the claims in the present application as obvious over the following combinations of references:

<b><u>Claims</u></b>	<b><u>References</u></b>
Claims 43-44, 86, 131 and 172	Cohen
Claims 42, 85, 130-131 and 170	Cohen + Roland's article entitled "New Rules Planned for Options"
Claims 49, 91, 138 and 176	Cohen + Brady (U.S. Patent Application Publication No. 2002/0128955)
Claims 47, 89, 131 and 173	Cohen + Finebaum (U.S. Patent Application Publication No. 2002/0156719)
Claims 48, 90, 135 and 171	Cohen + Roland + Finebaum

Each of the above-referenced §103 rejections is based on Cohen. In view of the attached Supplemental Affidavit and the prior filed Declaration under 1.131, Applicants submit that Cohen is not prior art to the pending claims for the reasons previously provided. Reconsideration and allowance of the pending claims is respectfully requested.

#### **V. Claim Amendments and Cancellations**

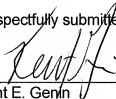
In order to expedite allowance of the remaining claims, the previously withdrawn claims have been canceled and claims 50-51, 92-93, 139-140 and 177-178 have been canceled. The canceled claims have not been canceled for reasons relating to patentability in light of prior art and Applicants reserve the right to refile these claims in a continuation application.

Claims 90-91 and 132-133 have been amended to address minor typographical errors in the preambles of those claims.

**VI. Conclusion**

In view of the above comments and the attached Supplemental Affidavit, Applicants respectfully submit that claims 39-49, 84-91, 128-138 and 169-176 are now in condition for allowance. Reconsideration and allowance is respectfully requested. If any issues arise or questions remain, the Examiner is invited to call the undersigned attorney at (312) 321-7732 to assist in expediting prosecution in this matter.

Respectfully submitted,



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